

Application No. 10/806,557
Amendment dated September 2, 2005
Reply to Office Action of June 2, 2005

REMARKS

This amendment responds to the Office Action mailed June 2, 2005.

Claims 1-16 remain pending in the application prior to this amendment. Claims 3-5, 7-9 and 13 were objected to for depending from rejected base claims, but were otherwise indicated to container allowable subject matter. Claims 1, 2, 6, 10-12 and 14-16 stand rejected. Claims 1, 3, 5, 8, 10, 13 and 15 have been amended herein, and claim 16 has been cancelled. Applicants assert that the amended claims are now in condition for allowance and respectfully request reconsideration in view of the following remarks.

Objections to the Claims

Claims 5 and 8 were objected to for various informalities related to claim language. Claims 5 and 8 have been amended herein, as suggested by the Examiner. Accordingly, Applicants respectfully request that the objections to claims 5 and 8 be withdrawn.

Claims Rejected Under 35 U.S.C. §102

Claims 1, 2, 6, 15 and 16 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,997,926 to England. Claims 1, 2, 6, 10-12, 14 and 15 stand rejected under 35 U.S.C. §102(e) as being anticipated by PCT Publication No. WO 2004/028306 to Gladney. Claims 1, 10 and 15 are the only independent claims of

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this rejected group. Claim 1 is directed to a bracket for securing a mattress to a support surface of an adjustable bed, and claim 10 is directed to an adjustable bed including such a bracket. Claims 1 and 10 have been amended herein to recite that the bracket includes "a channel defined by spaced, opposing walls configured to engage a taped edge border of a mattress." Claim 15 is directed to a method of securing a mattress to the support surface of an adjustable bed and has been amended to recite "clamping a taped edge border of the mattress to the support surface with a bracket having a channel defined by opposing side walls configured to received the taped edge border therebetween." Claim 16 has been cancelled without prejudice. Support for these amendments can be found in the application as-filed, at paragraph 20 and with reference to Figs. 3, 3A, 4 and 5. Accordingly, Applicants assert that no new matter has been added by these amendments.

Applicants further assert that the amendments to claims 1, 10 and 15 overcome the rejections over England '926 and Gladney '306. Specifically, neither England '926 nor Gladney '306 teaches or suggests a bracket for securing a mattress to a support surface of an adjustable bed and having a channel defined by spaced, opposing walls for receiving the taped edge border of the mattress therebetween. Moreover, none of the references of record teaches or suggests a modification of England '926 or Gladney '306 which cures these deficiencies. For at least these

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reasons, Applicants respectfully request that the rejections of claims 1, 10 and 15 over England '926 and Gladney '306 be withdrawn.

Claims 2 and 6 each depend from independent claim 1, and claims 11, 12 and 14 each depend from independent claim 10. Accordingly, claims 2, 6, 11, 12 and 14 are each in condition for allowance for at least the reasons stated above for claims 1 and 10, and Applicants respectfully request that the rejections of these claims be withdrawn.

Claims Rejected Under 35 U.S.C. §103

Claims 10-12 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,613,997 to Langdale in view of England '926. Claim 10 is the only independent claim of this rejected group and has been amended herein to recite that the bracket includes "a channel defined by spaced, opposing walls configured to engage a taped edge border of a mattress," as discussed above. Applicants assert that this amendment to claim 10 overcomes the rejection over Langdale '997 in view of England '926, because neither of these references teaches or suggests such structure. Accordingly, Applicants respectfully request that the rejection of claim 10 over Langdale '997 in view of England '926 be withdrawn.

Claims 11, 12 and 14 each depend from independent claim 10 and are

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therefore in condition for allowance for at least the reasons stated above for claim 10. Accordingly, Applicants respectfully request that the rejections of claims 11, 12 and 14 over Langdale '997 in view of England '926 be withdrawn.

Allowable Subject Matter

Claims 3-5, 7-9 and 13 were objected to for depending from rejected base claims, but were indicated to be allowable if rewritten in independent form. Claim 3 has been rewritten in independent form by this amendment. Accordingly, Applicants respectfully request that the objection to claim 3 be withdrawn.

Claims 4, 5 and 7-9 each depend from independent claim 3 and are therefore in condition for allowance for at least the reasons stated above for claim 3. Accordingly, Applicants respectfully request that the objections to claims 4, 5 and 7-9 be withdrawn.

Claim 13 depends from independent claim 10 and has been amended to correlate with the language of amended claim 10. While Applicants appreciate the Examiner's recognition of the allowable subject matter in this claim, Applicants believe that rewriting claim 13 in independent form is unnecessary in view of the amendments to claim 10 discussed above.

In view of the foregoing amendments to the claims and remarks given herein, Applicants respectfully believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any

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matter requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicants are of the opinion that fees are due in connection with this communication, for the additional of an independent claim. If any additional charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

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